

## Food Service Establishments

### Statutory Guidelines and Fee Schedule

Division of Health Protection  
Food & Lodging Program  
Effective July 1, 2007

#### TITLE 18 V.S.A., CHAPTER 85, SUBCHAPTER 2 - FOOD AND LODGING

##### 4351. License from department of health.

(a) A person shall not operate or maintain a hotel, inn, restaurant, tourist camp, or any other place in which food is prepared and served, or lodgings provided or furnished to the transient traveling or vacationing public, or a seafood vending facility, unless he shall have first obtained and holds from the department a license authorizing such operation. The secretary may prescribe rules or conditions within which he may issue a temporary license for a period not to exceed 60 days. The license shall state the rules or conditions under which it is issued. However, nothing herein shall apply to any person who occasionally prepares and serves meals or provides occasional lodgings. The license shall be displayed in such a way as to be easily viewed by the patrons.

(b) For the purpose of this section, "seafood vending facility" includes a store, motor vehicle, stand or similar place from which a person sells seafood for consumption at another location.

##### Fees.

(a) The following fees shall be paid annually to the board at the time of making the application according to the following schedules:

##### (1) Restaurant

I	Seating capacity - 0 to 25	\$ 75.00
II	Seating capacity - 26 to 50	\$115.00
III	Seating capacity - 51 to 100	\$190.00
VI	Seating Capacity – 101 to 200	\$270.00
V	Seating capacity - over 200	\$345.00
VI	Home Caterer	\$ 85.00
VII	Commercial Caterer	\$175.00
VIII	Limited Operation	\$ 85.00
IX	Fair Stand (less than four days/yr)	\$ 60.00
	Fair Stand (four or more days/yr)	\$120.00

##### (2) Lodging

I	Lodging capacity - 1 to 10	\$ 70.00
II	Lodging capacity - 11 to 20	\$105.00
III	Lodging capacity - 21 to 50	\$175.00
IV	Lodging capacity - over 50	\$300.00

(3) Food processor - a fee for any person or persons that process food for resale to restaurants, stores or individuals according to the following schedule:

I	Gross receipts up to \$10,000.00/yr	\$ 0.00
II	Gross receipts \$10,001.00 to \$50,000.00/yr	\$100.00
III	Gross receipts over \$50,000.00/yr	\$135.00

(4) Seafood vending facility: \$110.00 unless operating pursuant to another license issued by the department of health and generating less than \$40,000 in gross receipts annually. If generating more than \$40,000 in seafood gross receipts annually, the fee is to be paid regardless of whether the facility is operating pursuant to another license issued by the department of health.

(5) Shellfish reshippers and repackers - \$250.00.

The Commissioner of the department of health will be the final authority on definition of categories contained herein.

All fees received by the board under this section shall be paid monthly into the state treasury.

**4354. Term of license.** Licenses shall expire annually on a date established by the department and shall be renewable upon payment of a new license fee.

**4355. Regulations; reports.** The board may prescribe such rules and regulations as may be necessary to insure the operation in a sanitary and healthful manner of places in which food is prepared and served to the public or in which lodgings are provided. All reports which such board may require shall be on forms prescribed by it.

**4356. Inspection, revocation.** The members of the board and any person in its employ and by its direction, at reasonable times, may enter any place operated under the provisions of sections 4351 - 4355 of this title, so far as may be necessary in the discharge of its duties. Whenever upon such inspections it is found that the premises are not being conducted in accordance with the provisions of the above named sections or the regulations adopted in accordance therewith, such board shall notify the licensee of the conditions found and direct such changes as are necessary. If such licensee shall fail within a reasonable time to comply with such orders, rules, or regulations adopted under the provisions of such sections, the board shall revoke the license.

**4357. Penalty.** A person who violates any provision of this subchapter shall be fined not more than \$500.00.

**4358. Exemptions.** The provisions of this subchapter shall apply only to such hotels, inns, restaurants, tourist camps and other places as solicit the patronage of the public by advertising by means of signs, notices, placards, radio or printed announcements.

**4305. Powers and duties of state board of health.** The board may require a person proposing to work or working in an establishment subject to the provisions of this subchapter, to undergo a physical examination for the purpose of ascertaining whether such person is affected with any contagious, infectious or other disease or physical ailment, which may render his employment detrimental to the public health. The examination shall be made at the time and pursuant to conditions which shall be prescribed by the board. A person who refuses to submit to such examination shall not work or be required, permitted or suffered to work in any such establishment.